

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TAMRA CULTON,

Plaintiff,

vs.

UNIFI AVIATION, LLC,

Defendant.

Case No.: 2:22-cv-12102-SFC-DRG

HON. SUSAN K. DECLERQ

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PLAINTIFF'S MOTION FOR AN EXTENSION TO FILE AN APPEAL

COMES NOW, Plaintiff, Tamra Culton, by and through her counsel, Carla D. Aikens, P.L.C., and for her Motion for an Extension to File an Appeal, states as follows:

1. The Court issued its ruling on Plaintiff's motion for reconsideration on January 24, 2025.
2. Plaintiff's counsel did not become aware of the ruling until receiving an email from opposing counsel inquiring about costs on February 28, 2025.
3. Plaintiff's Counsel's failure to timely recognize the ruling was the result of excusable neglect. Counsel is currently nine months pregnant and preparing for maternity leave, which contributed to the inadvertent oversight.
4. Federal Rule of Appellate Procedure 4(a)(5) permits the Court to extend the deadline for filing a notice of appeal upon a showing of excusable neglect or good cause.
5. There is no prejudice to the opposing party in granting this extension, and allowing Plaintiff the opportunity to appeal will serve the interests of justice.

WHEREFORE, Plaintiff Tamra Culton, respectfully requests that this Honorable Court grant Plaintiff's Motion for an Extension to File an Appeal and grant any other relief that this Honorable Court deems equitable and just.

Dated: March 7, 2025

Respectfully Submitted,

/s/ Rejanae M. Thurman

Rejanae M. Thurman, (P85701)

Carla D. Aikens, P.L.C.

Attorneys for Plaintiff

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**PLAINTIFF'S BRIEF IN SUPPORT OF PLAINTIFF'S MOTION FOR AN
EXTENSION TO FILE AN APPEAL**

INTRODUCTION

Plaintiff seeks an extension of time to file a notice of appeal under Federal Rule of Civil Procedure 6(b) and Federal Rule of Appellate Procedure 4(a)(5). Plaintiff's counsel inadvertently failed to recognize the Court's ruling on the motion for reconsideration due to excusable neglect. Given these circumstances, Plaintiff respectfully requests that the Court grant this motion.

LEGAL STANDARD

Federal Rule of Appellate Procedure 4(a)(5)(A) permits a district court to extend the time for filing a notice of appeal if:

- i. a party moves for an extension no later than 30 days after the expiration of the original deadline, and
- ii. the party demonstrates excusable neglect or good cause.

Federal Rule of Civil Procedure 6(b)(1)(B) similarly allows courts to extend deadlines when a party's failure to act was the result of excusable neglect. Courts consider factors such as prejudice to the opposing party, the length of the delay, the reason for the delay, and whether the party acted in good faith. *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993).

ARGUMENT

Plaintiff respectfully argues that both good cause and excusable neglect exist for the delay in noticing the Court's ruling. Plaintiff's counsel did not become aware of the ruling until receiving an email from opposing counsel regarding costs, a situation that resulted from an unintentional oversight rather than a deliberate failure to act. In addition, counsel is currently nine months pregnant and preparing for maternity leave, which further contributed to the inadvertent delay. Courts have consistently recognized that excusable neglect can arise from personal circumstances or workload issues that lead to such delays. *Howard v. Nationwide Prop. & Cas. Ins. Co.*, 306 F. App'x 265, 267 (6th Cir. 2009), where excusable neglect was found due to a miscalculated filing deadline caused by an office error. Moreover, granting the extension will not prejudice the opposing party, as it would only permit Plaintiff to file a timely notice of appeal. The delay is minimal, and no substantive litigation would be affected. The interests of justice are best served by allowing Plaintiff to pursue her appeal.

WHEREFORE, Plaintiff Tamra Culton, respectfully requests that this Honorable Court grant Plaintiff's Motion for an Extension to File an Appeal and grant any other relief that this Honorable Court deems equitable and just.

Dated: March 7, 2025

Respectfully submitted by:

CARLA D. AIKENS, P.L.C.

/s/ Rejanae M. Thurman
Rejanae M. Thurman (P85701)
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein on March 7, 2025.

/s/ Katarzyna Nowicki
Katarzyna Nowicki, Legal Assistant